

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LARRY C. WISE,

Plaintiff,

Case No. 10-CV-11438

v.

HON. GEORGE CARAM STEEH

STATE OF MICHIGAN,

Defendant.

_____ /

ORDER DENYING PLAINTIFF'S MOTION FOR RULE 16(f)
SANCTIONS AGAINST DEFENSE COUNSEL (#13)

Plaintiff Larry Wise, appearing pro se, filed a motion for Federal Rule of Civil Procedure 16(f) sanctions against defense counsel. Plaintiff alleges defendant did not participate in the Rule 26(f) conference in good faith. Plaintiff states defense counsel wanted to confer with the court before agreeing to a conference and that the conference was not a true "conference" but merely an exchange of drafts of the Rule 26(f) report. Plaintiff also appears to base his sanction argument on the fact that defense counsel did not utilize much of the report he prepared. He cites his correspondence with defense counsel as support for his request for sanctions. However, the correspondence appears professional and appropriate. The correspondence also shows plaintiff agreed to the final draft of the report before it was filed with the court. Plaintiff also alleges that he did not receive timely, proper service of defendant's motion to dismiss. However, plaintiff clearly received the motion to dismiss and filed a timely response. At this time, the court does not believe sanctions are appropriate. Plaintiff's motion for sanctions is therefore DENIED.

Dated: March 29, 2011

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record and
Larry Wise, P.O. Box 356, Byron, MI 48418 on
March 29, 2011, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk